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January 30, 2008

By Electronic Filing and By Hand

The Honorable Leonard P. Stark, Magistrate Judge
United States District Court – District of Delaware
U. S. Courthouse
844 King Street, Lockbox 26
Wilmington, DE 19801

RE: **Johnnie M. DuBose v. Michael Walsh, New Castle County Sheriff;
American Business Credit, Inc.; Robert K. Beste, Jr.; and Maggie
Clausell; District Court - C. A. No. 07-045 (MPT)**

Dear Judge Stark:

I have been personally named as a Defendant in the captioned matter, with allegations that simply do not state a claim for relief, and do not present any facts upon which any Defendant has committed any wrongdoing. Plaintiff, Johnnie M. DuBose is simply dissatisfied that he lost real estate due to a mortgage foreclosure that was properly conducted in accordance with the laws of the State of Delaware.

I filed a Motion to Dismiss with supporting brief in this matter, on February 13, 2007. Defendant Maggie Clausell, Esquire joined in that Motion, and filed a similar motion and supporting brief on February 19, 2007. Similarly, Defendant Michael Walsh, and New Castle County, filed their own Motions to Dismiss and Opening Brief, on March 5, 2007. To my knowledge, Plaintiff Johnnie M. DuBose has not responded to any of those motions. The fact of the matter is that all such motions are proper, and this matter should be dismissed.

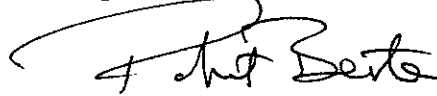
I write in response to Your Honor's letter to counsel of January 16, 2008, setting forth a Scheduling Order in this matter, which would require that discovery be completed by June 16, 2008. The matter is without merit, and the parties should not be required to engage in useless and expensive discovery, in such a meritless claim. Following a telephone conference with Magistrate Judge Thyne on October 24, 2007, counsel for the parties signed a Stipulation, giving their consent to have the United States Magistrate Judge conduct any and all proceedings in this matter. That Stipulation was forwarded to Mr. DuBose on November 1, 2007 and December 19, 2007. Mr. DuBose has refused to sign the Stipulation.

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It is respectfully submitted that in the interest of justice, the parties should not be required to engage in expensive discovery in this meritless claim. It is therefore further respectfully submitted that the Scheduling Order proposed by Your Honor be delayed until the resolution of the outstanding Motions to Dismiss.

I have spoken with counsel for Ms. Clausell, and counsel for Michael Walsh and New Castle County, and I am authorized to represent to Your Honor that such counsel have authorized me to convey their agreement to the positions set forth in this letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert K. Beste, Jr.", with a stylized flourish above the name.

ROBERT K. BESTE, JR.

RKB/msj

cc: Mr. Johnnie M. DuBose (by First-Class Mail)
Laura Thomas Hay, Esq. (by Electronic Filing and First-Class Mail)
Paul Cottrell, Esq. (by Electronic Filing and First-Class Mail)
05021-0059; Doc. #25